

**IN THE CLAIMS:**

**Please cancel claims 2-28, 30 and 34-39 without prejudice, add new claims 40-51 and amend claims 1, 29, 31 and 33 as indicated in the following list of pending claims:**

**PENDING CLAIMS**

1. (Currently Amended) A biopsy instrument [[fro]] for retrieving body tissue, having a longitudinal axis and comprising:  
a distal end adapted for entry into a patient's body; and  
[[a]] an electrosurgical cutting element disposed on said a distal portion of the instrument[[],] ~~said cutting element being which is~~ actuable between a radially retracted position and a radially extended position, relative to said axis, and being which is movable in said radially extended position to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen; and  
an encapsulation component configured to encapsulate the isolated tissue specimen before its removal from the patient's body.

Claims 2-28 (Canceled)

29. (Currently Amended) A method for retrieving a tissue specimen from a patient's body, comprising ~~the steps of:~~  
inserting into the patient's body an instrument having a distal end, a longitudinal axis, and an axially disposed cutting element ~~into the patient's body~~, so that the distal end is disposed in a tissue region from which the tissue specimen is to be taken;

radially extending said the cutting element so that a portion thereof is radially outwardly spaced from the axis of said the instrument; [[and]] rotating said the cutting element about said the axis to cut said the tissue and create a peripheral boundary about said the tissue specimen, to isolate the tissue specimen from surrounding tissue in the tissue region; and encapsulating the isolated tissue specimen before removing the specimen from the patient's body.

30. (Canceled)

31. (Currently Amended): The method as recited in Claim [[30]] 29, wherein the encapsulating [[step]] includes ~~the step of~~ radially expanding at least one encapsulating element so that a portion thereof is radially outwardly spaced from the axis of said the instrument and rotating said the instrument about its axis so that said the at least one encapsulating element encloses said the tissue specimen.

32. (Original): The method as recited in Claim 31, wherein said at least one encapsulating element comprises a plurality of bands which are disposed axially along said instrument.

33. (Currently Amended): The method as recited in Claim [[30]] 29, and further comprising proximally withdrawing said instrument, with the encapsulated tissue specimen, from the patient's body, said step including the step of cutting tissue as the instrument is withdrawn.

Claims 34-39 (Canceled)

40. (New) An instrument assembly for isolating a tissue specimen from an intracorporeal site, comprising:

- a. an elongate shaft which has a longitudinal axis and a distal end; and
- b. an electrosurgical tissue cutting component which is radially extendable from a retracted position to an extended position and which is configured to electrosurgically isolate a desired tissue specimen from surrounding tissue at the site; and
- c. a tissue collection component coupled to the shaft which is configured to encapsulate the isolated tissue specimen from the surrounding tissue at the site.

41. (New) The instrument assembly of claim 40 wherein the tissue collection component is configured to maintain the encapsulated tissue specimen intact.

42. (New) The instrument assembly of claim 40 wherein the tissue cutting component is longitudinally disposed on the elongate shaft proximal of the distal end of the shaft.

43. (New) The instrument assembly of claim 42 wherein the tissue cutting component is configured to be rotated at least in part about the longitudinal axis in the radially extended position to isolate the tissue specimen.

44. (New) The instrument assembly of claim 43 wherein both the cutting component and the tissue collection component are movable from a retracted position to an expanded position.

45. (New) A excisional device for cutting and removing a specimen of breast tissue, comprising:

a shaft;  
a tissue cutting component coupled to the shaft and configured to cut the specimen of breast tissue from surrounding breast tissue;  
a tissue collection component coupled to the shaft which is configured to encapsulate the cut specimen and maintain the encapsulated specimen intact, both the cutting component and the tissue collection component being movable from a retracted position to an expanded position.

46. (New) The instrument assembly of claim 45 wherein at least one tissue collection component has a proximal end and a distal end and which is configured to move one end closer to the other end to effect radial extension from the retracted position to the radial extended arcuate position.

47. The instrument assembly of claim 45 wherein the tissue collection component is configured so that the distal end is fixed and the proximal end move toward the distal end.

48. (New) The instrument assembly of claim 45, wherein the tissue collection component and the tissue cutting component are configured to expand and retract together.

49. (New) An instrument for encapsulating and removing a tissue specimen from a patient's body, comprising:

- a. an elongate shaft which has a distal end a longitudinal axis
- b. a tissue cutting component which is disposed on a distal portion of the elongate shaft, which is radially extendable from a retracted position to an extended position, relative to the longitudinal axis, which has an arcuate

shape in the extended position and which is movable in the radially extended position about the longitudinal axis to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen; and

- c. an encapsulation component for encapsulating the tissue specimen after it has been isolated from surrounding tissue and removing it from the patient's body intact.

50. (New) The instrument of claim 49 wherein the instrument has a distal tissue cutting element with a linear cutting surface disposed on the distal end of the shaft to facilitate accessing the tissue specimen within the patient's body.

51. (New) The instrument of claim 49, wherein the encapsulation component has a plurality of encapsulation elements which are radially extendable from a retracted position to an extended position.